

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: : CASE NO. 1-06-02931  
DUKE HEATING OIL, INC. :  
Debtor : CHAPTER 11  
: Judge Mary D. France

**CREDITOR LEIGHOW OIL CO., INC.'S MOTION TO ENFORCE PLAN OF  
REORGANIZATION**

LEIGHOW OIL CO. INC., a creditor of the Debtor in this case, by and through its attorneys, Apfelbaum, Apfelbaum & Apfelbaum, sets forth the following in support of its Motion to Enforce Plan of Reorganization:

1. On June 15, 2007, the Debtor Duke Heating Oil, Inc. submitted its Plan of Reorganization.
2. An Order Confirming Plan of Reorganization and Approving Disclosure Statement was entered by this Honorable Court on August 9, 2007.
3. Pursuant to the Plan of Reorganization, Article X, Retention of Jurisdiction, 10.1(g), this Court has jurisdiction “[t]o determine all controversies, suits and disputes that may arise in connection with the interpretation, enforcement or consummation of the Plan”.
4. The Debtor Duke Heating Oil, Inc. has only made one payment pursuant to the Plan, check number 1073, in the amount of \$1,636.01, with the memo “1<sup>st</sup> payment of plan”, a true and correct copy of which is attached as Exhibit “A”.
5. The Debtor Duke Heating Oil, Inc. has failed to make any further payments to Leighow Oil Co., Inc. as provided for by the plan under Article III, Paragraph 3.5.
6. As of the date of this filing, Duke Heating Oil, Inc. owes Leighow Oil Co., Inc. the amount of \$40,098.75 for seventeen (17) months of missed payments under the Plan.

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7. An inquiry made of Debtor's counsel as to the reason for Duke Heating Oil, Inc.'s failure to make payments was not responded to.

8. Instead of making payments under the Plan to Leighow Oil Co., Inc., Debtor Duke Heating Oil, Inc. used its funds to acquire Deibler Fuels and purchase advertising stating that "We recently expanded and acquired Deibler Fuels", see a true and correct copy of which is attached as Exhibit "B".

9. A proposed Order is attached as Exhibit "C".

WHEREFORE, Leighow Oil Co., Inc. respectfully requests that this Honorable Court compel Duke Heating Oil, Inc. to comply with the Plan of Reorganization, make payment of \$40,098.75 and additional monthly payments under the Plan, and other such relief as is just and reasonable.

Respectfully Submitted,

APFELBAUM, APFELBAUM & APFELBAUM

BY:   
Michael M. Apfelbaum, Esq.  
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Sunbury, PA 17801  
570.286.9421

COMMONWEALTH OF PENNSYLVANIA :  
SS.  
COUNTY OF NORTHUMBERLAND :

Personally appeared before me, a Notary Public, in and for said county and state,  
GLEN LEIGHOW, as President for Leighow Oil Co., Inc. is a Creditor in the foregoing action,  
and being authorized so to do, state that the facts as set forth in the foregoing Motion are true and  
correct to the best of his knowledge, information and belief.

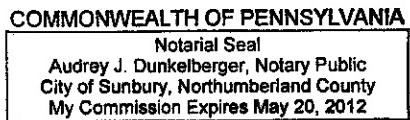
  
\_\_\_\_\_  
Glen Leighow, President

Sworn to and subscribed

Before me this 19<sup>th</sup> day  
of May,  
2010.

  
NOTARY PUBLIC

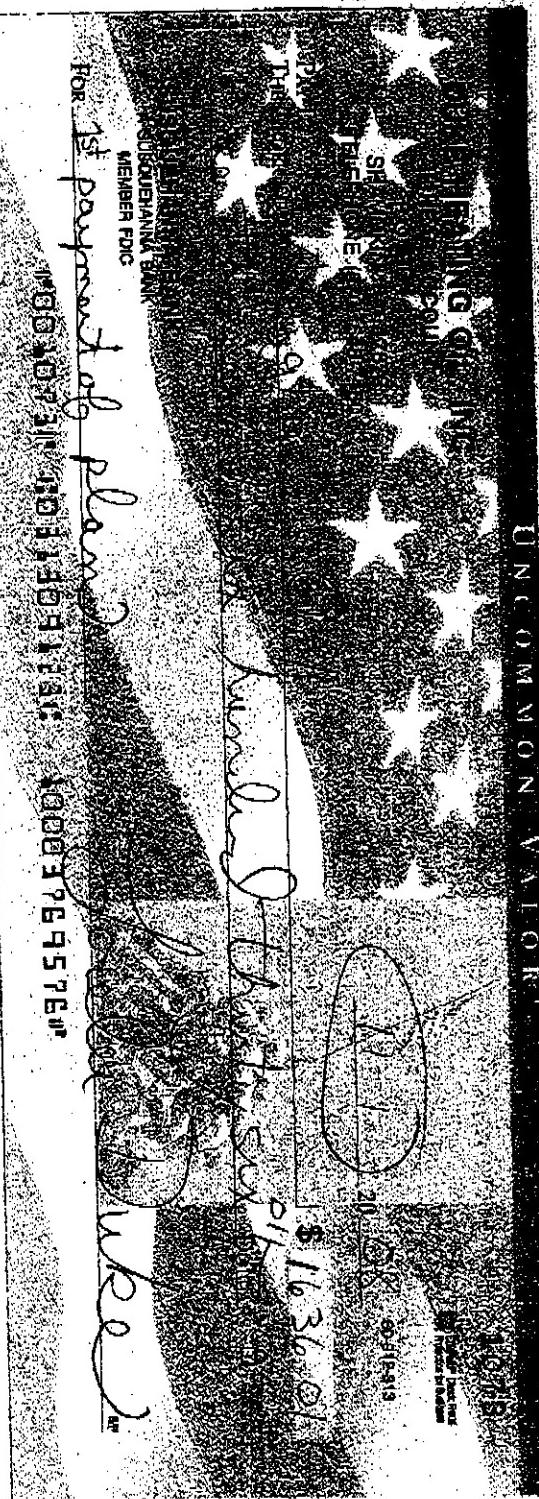
My Commission Expires: 5-20-2012



## **Exhibit “A”**

Leighow \$130620.00

- 1 11/01/08 \$1636.01 - check 1073 #
- 2 12/01/09 \$2358.75
- 3 01/01/09
- 4 02/01/09
- 5 03/01/09
- 6 04/01/09
- 7 05/01/09
- 8 06/01/09
- 9 07/01/09
- 10 08/01/09
- 11 09/01/09
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- 47 09/01/12
- 48 10/01/12
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- 51 01/01/13
- 52 02/01/13
- 53 03/01/13



## **Exhibit “B”**

ching a candlelight vesp. Sunday night in Pugeton, Wash.

*Christine Please, How to Get Loyal Customers*

**Take 10 cents off**

of our regular price per gallon with this ad.  
Become a new customer and receive a special discount.

**UNIVERSITY**

7116-373-1625

**DUNDEE** **DOOR** **TO** **THE** **WORLD**

All hour service and same day delivery available of Diesel, Oil and MMF  
Gasoline on Delivery Fee of one Q2450  
Gasoline and On Highway Diesel Fuel available 24 hours  
a day at the pump located off Route 61 in Perfect.  
We recently expanded and acquired Baskin Fuels -  
Diesel customers enjoy 911 and 797-321  
Visit us on deliveries of 100 Gallons or more.  
**Payment due at delivery. Not valid for LMEAP Funds.**

**SHAW'S**  
MEAT & DELI  
510 N. Sherman • 312-655-2221  
Mon-Fri 8am-7pm • Sun 7am-12:30pm

Holiday Hours: 12/24 - 5 p.m. - 4 p.m.  
Closed - Christmas Day  
Reopen - 12/26 - 8 a.m.

Hans Christian Andersen

 <b>PTECHNIK ELEKTRONIK</b> سانچی سانچی سانچی
 <b>UNION PETTE</b> پی تی پی پی تی پی پی تی پی

**SHOKED KETTLE** \$1.69 u.

**HANCE  
GIFT SALE**

Books of Great Gifts  
"Skiller" Prices!  
**W. B. THOMAS**

Rt. 61 Attn  
Mt. Carmel

**inner is...  
friend...  
d to win a prize!  
insurance offer!**

## **Exhibit “C”**

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: : CASE NO. 1-06-02931  
DUKE HEATING OIL, INC. :  
Debtor : CHAPTER 11  
: Judge Mary D. France

**PROPOSED ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2010, upon Consideration of Leighow Oil Co., Inc.'s Motion to Enforce Plan of Reorganization, the Motion is GRANTED and IT IS HEREBY ORDERED:

1. Duke Heating Oil, Inc. shall pay the sum of \$40,098.75 to Leighow Oil Co., Inc. for back payments owed under the Plan;
2. Duke Heating Oil, Inc. shall pay the sum of \$2,358.75 to Leighow Oil Co., Inc. by the first of each month until the sum of \$130,620.00 has been paid pursuant to the Plan.

BY THE COURT:

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Bankruptcy Judge